

FROM KLEHR HARRISON

(FRI) 8.19'05 16:36/ST. 16:25/NO. 4862034603 P 33

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K GABRIEL HEISER

PAGE 02

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AUG 19 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit : 2173  
Examiner : Hailu, T.  
Serial No. : 09/928,009  
Filed : April 20, 2001  
Inventor : Heiser  
Title : Multi-Level Software for Generating Wills and Trusts Online

DECLARATION PURSUANT TO 37 C.F.R. § 1.131

I, Kenneth Gabriel Heiser, submit this Declaration in the above-referenced pending patent application.

1. I am the sole named inventor of the above-referenced pending patent application.
2. I have reviewed a document entitled "*The Will Expert*" dated July 30, 2001. Claims 1-4 and 7-10 of the above-referenced application have been rejected as being unpatentable in view of this document.
3. I was in full possession of the invention claimed by claims 1-4 and 7-10 of the above-referenced application at a time prior to July 30, 2001.
4. Attached to this Declaration is a showing of facts to establish reduction to practice prior to July 30, 2001, the effective date of the reference and/or conception of the invention prior to the effective date of the reference coupled with due diligence from prior to said effective date to a subsequent reduction to practice or to the filing of the above-referenced application.
5. The attachment is a print out of an e-mail dialogue that I have maintained in a computer system under my control and that is unaltered. However, the dates of the e-mails, names and proprietary information pertaining to pricing have been redacted in a manner clearly indicating where the redaction is made.
6. The attached records illustrate that at a time before the effective date of "*The Will Expert*" I had engaged website developers and programmers to create a fully functional version of my invention.
7. As shown at the spot marked with an encircled "1," the portions of the site that were incomplete at this time were the ability to store partial answers and the ability to process credit cards, neither of which is recited by claim 1 as being part of my invention.

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PAGE 03

8. As explained in the attached e-mail dialogue, all the elements of claim 1 were either in place or were merely a matter of applying appropriate man-hours to the project.
9. Therefore, all the elements of claim 1 were either reduced to practice before July 30, 2001 or were conceived before July 30, 2001, and I proceeded with due diligence from prior to this date until a functional website was created.
10. In particular, I respectfully direct attention to the bracketed portions of page 4 and pages 12-13, which discuss a system with a plurality of data entry field screens and how this would be coded. The bracketed portions of these pages also discuss how the screens are "arranged in logical order" and show that the screens are of "several levels of complexity," the last feature also discussed on page 14. Finally, the bracketed portions of pages 2 and 7 clearly disclose that the user is "able to create and print will document."
11. As disclosed by the spot marked with an encircled "2," such a functioning website was actually reduced to practice before July 30, 2001. At a minimum, this website contained all the functional features that form claim 1.
12. As will be apparent from reading the attached from "oldest message" to "newest message" (i.e., in the reverse order of the pages) it is abundantly clear that the invention of claims 1-4 and 7-10 was either completely reduced to practice, or could readily be reduced to practice by the qualified web developers and programmers before July 30, 2001 using techniques and programming tools that required no further invention.
13. Additionally, I attach a sample document, printed from both in HTML and Microsoft Word formats, that was generated using the software and websites referred to in the e-mail dialogue. This document is contemporaneous with this dialogue, and is unaltered. As explained above, names and dates in this document have been redacted.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signed:



Kenneth Gabriel Heiser

Dated: August 18, 2005